REMARKS

In an Office Action dated July 24, 2007, the Examiner rejected claims 1 and 13 under 35 U.S.C. 103(a) as being unpatentable over the teachings of U.S. Patent Publication 2004/0176072 A1 (Gellens) in view of U.S. Patent 6,393,288 (Sollee); rejected claims 4-5 and 16-17 as being unpatentable over Gellens in view of Sollee and U.S. Patent Publication 2002/0168978 A1 (Molnar); rejected claims 6-8 and 18 as being unpatentable over Gellens in view of Sollee and U.S. Patent 6,819,932 (Allison); and claims 7, 9-12 and 19-20 as being unpatentable over Gellens in view of Sollee and U.S. Patent Publication 2005/0020289 A1 (Kim).

Applicant respectfully disagrees with the grounds for the Examiner's rejection of the claims as amended herein. Applicant is amending claims 1 and 13, the only independent claims of the application (except for newly submitted claim 21, discussed below), to recite specifically that both originating screening and terminating screening are performed. The originating screening is performed in a SMS or MMS center for serving a calling party and the terminating screening is performed in a SMS or MMS as stated in the Summary of the Invention, page 1, line 31 - page 2, line 3:

> The above problem is solved and an advance is made over the prior art in accordance with this invention wherein a short message service center or multimedia message service center performs screening based on information provided by a service provider (carrier) for an SMS/MMS terminal for both originating and terminating screening of SMS/MMS calls. [Emphasis added]

The Examiner stated that "Gellens teaches responsive to receipt of an SMS or MMS call, determining whether the sending party may attempt to deliver the message (see paragraphs 37 and 38)". For the convenience of the Examiner, these paragraphs are presented below:

> Referring to FIG. 3, a diagram illustrating the filtering and delivery of e-mail messages which are addressed to a particular recipient in accordance with one embodiment is shown. As depicted in this figure, e-mail messages that are addressed to a user associated with mobile station 24 are initially delivered to an e-mail server 26. E-mail server 26 is typically centralized within a carrier's network and serves multiple base stations. In this embodiment, messages are delivered by server 26 through base station 22 to mobile station 24. E-mail server 26 is configured to apply a set of filtering rules to the received e-mail messages and to handle these messages in accordance with the filtering rules.
> [US 2004/0176072 A1, page 3, paragraph 37]

In one embodiment, e-mail server 26 performs triage on the received e-mail messages. That is, the filtering process results in one of three actions by e-mail server 26. First, the message may be forwarded immediately, in its entirety, to an e-mail client 28 within mobile station 24. Second, summary or preview information corresponding to the message may be forwarded to e-mail client 28. Finally, the message may simply be deleted by e-mail server 26 without ever having delivered the message to e-mail client 28. For the purposes of this disclosure, messages that are immediately forwarded to e-mail client 28 are referred to as "wanted" messages. Messages for which summary information is transmitted to e-mail client 28 are referred to herein as "preview" messages. Messages that are deleted by e-mail server 26 without further inquiry are referred to herein as "unwanted" messages.
[US 2004/0176072 A1, pages 3 and 4, paragraph 38]

It is clear from paragraphs 37 and 38 and from FIG. 3 of Gellens, that what is being taught by Gellens is screening at the terminating end of the call after the call has been routed to the terminating server 26. Gellens does not have any teaching for performing screening by an originating server.

FIG. 2 of Applicant's disclosure describes the process of performing originating screening. Step 203 specifically "consults caller screening data for caller" and gives examples such as geographic allowability, testing whether the called party is a roamer in case the caller does not wish to transmit messages to a roamer, and limits on the distribution of messages. Step 211 checks for limit of the distribution, i.e., limits on the number of called parties to which messages can be distributed. Step 213 checks for non-allowed telephone numbers or IP addresses so that messages to such destinations are kept out of the network even if the called parties would be willing to accept them. In Applicant's specification, originating screening is described with respect to FIG. 2 on page 9, line 14 - page 10, line 4.

FIG. 3 describes the process of performing called party screening. This called party screening tests, for example, whether the caller is allowed to call the called party (a different test from the test described earlier for checking whether the caller is allowed to call the called party since the test in step 303 is based on the called party screening data (step 301). The other steps of FIG. 3 are other steps of called party (terminating) screening. In Applicant's specification, terminating screening (called party screening) is described with respect to FIG. 3 on page 10, lines 5-20.

The Examiner has indicated that "Sollee teaches responsive to receiving...a call in a switching center for serving a calling party of the call, determining whether the calling party may attempt to complete the call (see column 4, lines 25-32 and 55-62)". For the Examiner's convenience, these passages are reproduced below.

> With reference to FIG. 1, upon a call termination from the fixed network 12 to GMSC 14, the GMSC 14 determines if the called number is a HomeZone type number. This is preferably done by ascertaining call data e.g. prefix digits provided with a call termination from the fixed network 12, although other methods are possible. The GMSC 14 then queries the SCP 32 to determine if the termination is allowed to the intended MS 18.
> [US 6,393,288 B1, column 4, lines 25-32]
>
> The HLR 30 then sends the LAC and Cell ID to the SCP 32, which then instructs the GMSC 14 if and how to route the call to the MS 18. For example, if the SCP 32 determines the MS 18 is in one of its HomeZones 22, the call will be terminated to the MS 18.
> [US 6,393,288 B1, column 4, lines 55-62]

Applicant respectfully submits that the determination of whether the calling party may attempt to complete the call is not based on data supplied by the calling party, but is data supplied by the called party and/or the terminating GMSC.

Finally, the Examiner stated:

> It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include serving a calling party of a call and determining whether the calling party may attempt to complete the call because serving a sending party of a message and determining whether the sending party may attempt to deliver the message is analogous to serving a calling party of a call and determining whether the calling party may attempt to complete the call and Gellens specifically mentions that his system can be implemented in a MMS environment (see paragraph 0056).

Applicant respectfully submits that Gellens does not teach or suggest separate tests for calling party screening based on calling party data and called party screening based on called party data. There is nothing in paragraph 0056 or FIG. 8 to suggest this separate type of screening. Applicant respectfully submits that this separate type of screening allows for screening under the control of both the calling and the called party, a major advantage in creating a more flexible screening arrangement.

In the Response to Arguments, the Examiner indicted that Gellens (the primary reference) "can be implemented in a MMS environment [0056]". Applicant is canceling

dependent claim 12 and submitting a new independent claim, claim 21, which recites a method for use <u>only</u> in an <u>SMS environment</u>, <u>not</u> in an MMS environment. This claim should be held allowable as being a version of claim 1 restricted to use in an SMS environment.

Accordingly, Applicant respectfully submits that the subject matter of claim 1 should be held allowable over the cited references. Claim 13 is essentially an apparatus version of the subject matter of claim 1 and should be held allowable for the same reasons as presented above for claim 1. Claims 2-11 and 14-20, dependent from claims 1 and 13, respectively, should be held allowable as being dependent from an allowable independent claim.

Accordingly, Applicant respectfully requests that the Examiner reconsider the rejection of claims 1-20, allow these claims and newly submitted claim 21, and pass the application to issue.

If the Examiner feels that a voice or fax contact would help to advance the prosecution of this application, he is invited to contact Applicant's attorney at telephone number 630 469-3575.

Respectfully submitted

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